

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MARK E. VAN DYKE,**  
*Plaintiff-Appellant*

v.

**WAKE FOREST UNIVERSITY HEALTH SCIENCES,  
KERANETICS, INC., VIRTUE LABS, LLC, LUKE  
BURNETT, KIM WESTMORELAND, CHARLES W.  
TODD JOHNSON,**  
*Defendants-Appellees*

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2022-1317

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Appeal from the United States District Court for the Middle District of North Carolina in No. 1:21-cv-00627-CCE-JLW, Judge Catherine C. Eagles.

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**JUDGMENT**

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CHRISTOPHER S. EDWARDS, Ward and Smith, P.A., Wilmington, NC, argued for plaintiff-appellant. Also represented by JOSEPH A. SCHOUTEN, Raleigh, NC.

JOSHUA F.P LONG, Woods Rogers Vandeventer Black PLC, Roanoke, VA, argued for defendant-appellee Wake Forest University Health Sciences. Also represented by

NATHAN EVANS, Charlottesville, VA.

JAMES SHELTON DERRICK, Womble Bond Dickinson (US) LLP, Charlotte, NC, argued for defendants-appellees Keranetics, Inc., Luke Burnett, Kim Westmoreland, Charles W. Todd Johnson. Also represented by BARRY J. HERMAN, Baltimore, MD; CATHY A. HINGER, Washington, DC.

CULLEN STAFFORD, Wyrick Robbins Yates & Ponton LLP, Raleigh, NC, argued for defendant-appellee Virtue Labs, LLC. Also represented by CHARLES GEORGE, JENNIFER BLAKELY KIEFER.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, REYNA, and STARK, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

February 8, 2023  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court